



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

December 15, 2008

Mr. David P. Willis
Environmental Manager
Pennsylvania Turnpike Commission
P. O. Box 67676
Harrisburg, PA 17106-7676

Re: Southern Beltway I-79 to Mon/Fayette Expressway Final Environmental Impact Statement and Section 404 Permit Application, Washington County PA (November 2008)
CEQ# 20080456

Dear Mr. Willis:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) offers the following comments regarding the Southern Beltway I-79 to Mon/Fayette Expressway Final Environmental Impact Statement (FEIS) and 404 Permit Application. Based on our review of the Draft Environmental Impact Statement (DEIS), EPA rated the environmental impacts of the project as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient Information). Based on our review of the FEIS and responses to our comments, the following concerns remain.

Preferred Alternative

The FEIS identifies preferred alternatives for Section 1 and Section 2 of the project. The Green Alternative Option 1A is preferred for Section 1 and the Tan-Red Alternative is preferred in Section 2.

Four alternatives were evaluated for Section 1 in the EIS. According to the FEIS, the Green Alternative Option 1A (Section 1) would have the least residential (39) and business displacements (2); compared to between 107 to 161 residential displacements, and 4 to 13 business displacements of the other alternatives. The Green Alternative 1A has less culverting of stream than two of the alternatives (4,064 linear feet), and along with the Green Option 1B, lower impact on forest land (200 acres). The alternative has the lowest cost (\$356 million) and has lower traffic impacts during construction.

However, the Green Alternative Option 1A impacts the most acres of wetlands (3.1 acres). It also has 28 stream crossings (other alternatives range from 26 to 35), 2,227 linear feet

of stream loss (second highest), and the highest floodplain impact (17 acres).

Three alternatives were evaluated for Section 2 in the EIS. The Tan-Red Alternative, the FEIS preferred alternative for Section 2, has 57 residential displacements; other alternatives have 56 and 66 residential displacements. All have one business displacement. The alternative has 33 stream crossings (other alternatives have 26 or 35), and requires 4,391 linear feet of stream to be placed in culvert (other alternatives have 3,466 to 5,703 feet). Along with the Red Alternative, the Tan-Red has 3.1 acres of floodplain impact, lower than the 6.5 acres impacted by the Tan Alternative.

The Tan-Red Alternative has higher impacts to wetlands than other alternatives (1.6 acres), and the most stream loss of the alternatives (2,202 linear feet). The alternative impacts the most acres of forest, 261 acres (compared to 237 and 249 acres).

As stated in our previous comments, this project is not water dependant; therefore impacts to aquatic resources should be avoided, minimized, and mitigated. Additional bridging should be considered to minimize impacts to wetlands and waterways. Wetland impacts of the Tan-Red Alternative should be clarified, as Table E.S.-1 states impacts of 1.5 acres, while Appendix B (the 404 application) states 1.6 acres.

While it is the Turnpike's position that it is the responsibility of the contractor to obtain environmental clearance for any construction staging areas, access roads not previously identified, and additional borrow and waste disposal sites (if such activities would be constructed beyond the right-of-way limits included in the FEIS), EPA still believes that these impacts should be evaluated in the Environmental Impact Statement since they would not occur if not for this project.

The working paper referred to in the response to our Environmental Justice comments explains the standard used for identifying EJ populations, but the scientific and statistical reasoning that justified the use of that benchmark is not provided. The use of this benchmark seems to be subjective, rather than an objective measure based upon some standard scientific or mathematical model.

The following comment was not addressed: "Potential impacts to minority and low-income populations together as a whole should be evaluated as well as individually. There may be overlap as to where various minority and low –income populations reside in relationship to the project area activities."

Considering the potential impacts resulting from a project of this scale, we recommend that the project team continue efforts and coordination with EPA and other state and federal agencies to avoid and minimize impacts to the community and the environment.

404 Permit Comments

The Clean Water Act Section 404(b)(1) Guidelines clearly state that alternatives are



presumed to be available for non-water dependent activities that do not involve the use of the aquatic ecosystem, including jurisdictional wetlands [40 CFR 230.10(a)(3)]. Furthermore, the Corps has an obligation to identify and permit the least environmentally damaging practicable alternative (LEDPA). For both Sections of the project, the preferred alternatives are the ones with the greatest proposed wetland impact. The Green Option 1A, the preferred alternative for Section 1, will directly affect 3.1 acres of palustrine wetlands, compared to 1.9 acres of the Purple, 1.8 acres of the Tan, and 1.0 acres of the Green Option 1B alternatives. The Tan-Red Alternative, the preferred alternative for Section 2, will directly affect 1.6 acres of palustrine wetlands, compared to 1.5 acres of the Red, and 1.4 acres of the Tan Alternatives. EPA suggests that the applicant explore additional avoidance and minimization measures in the final design phase to reduce impacts to waters of the United States, and if impacts to aquatic resources in the preferred alternatives can not be lowered to that of other alternatives, the applicant should prepare justification for selecting alternatives that are not the LEDPA, and identify factors that render other alternatives (with lower impacts) impracticable. Furthermore, as a permit condition, EPA recommends that final mitigation plans, property acquisition, and mitigation construction begin prior to the start of road construction involving impacts to aquatic resources.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215)814-3330.

Sincerely,



William Arguto
NEPA Team Leader
Office of Environmental Programs

